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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 8 March 2005 from the Permanent Mission of Bolivia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Bolivia to the United Nations presents its compliments to the Chairman of the Committee established pursuant to Security Council resolution 1540 (2004) and has the honour to transmit, annexed hereto, a copy of Bolivia's report submitted in compliance with that resolution (see annex).

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Annex to the note verbale dated 8 March 2005 from the Permanent Mission of Bolivia to the United Nations addressed to the Chairman of the Committee

Report of the Government of Bolivia on the implementation of United Nations Security Council resolution 1540 (2004)

Security Council resolution 1540 (2004) reaffirms the need for States parties appropriately to fulfil their obligations in relation to arms control and to prevent proliferation in all its aspects of weapons of mass destruction, which constitutes a threat to international peace and security. To that end, coordination and control measures must undoubtedly be strengthened with the relevant bodies at the national, regional and international levels, in order to tackle this problem most efficiently in accordance with the resolution.

Bolivia, as a member of the international community, will implement the provisions of resolution 1540 (2004). To that end, coordination and control measures must undoubtedly be strengthened with the relevant bodies at the national, regional and international levels, in order to tackle this problem most efficiently in accordance with the aforementioned resolution.

Paragraph 1

(The Security Council) ... 1. Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Bolivia does not possess nuclear, chemical or biological weapons, ballistic missiles or any other type of missile designed to carry weapons of mass destruction, nor has it received reports or information to the effect that weapons of mass destruction have been produced in the country.

Similarly, Bolivia firmly supports international efforts for arms control and disarmament and the non-proliferation of weapons of mass destruction, which represent a threat to international and regional peace and security.

Paragraph 2

(The Security Council) ... 2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

At the national level a series of legal norms have been established to guarantee public security in connection with the use of harmful chemical products. Article 216 of the Penal Code provides for prison terms of up to 10 years for offences that are harmful to public health, such as: spreading of serious or contagious diseases which produce epidemics, poisoning or contamination of water intended for public use and marketing of substances harmful to health.

Where the environment is concerned article 113 of Act No. 1333 provides for prison terms of up to 10 years for anyone who permits, cooperates or assists in the storage, introduction or transport anywhere in the national territory of toxic, dangerous or radioactive waste or other waste of external origin.

Paragraph 3

3. **Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:**

(a) **Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;**

(b) **Develop and maintain appropriate effective physical protection measures;**

Bolivia does not possess weapons of mass destruction of any kind.

(c) **Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;**

(d) **Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;**

With regard to paragraphs (c) and (d), article 22 (p) of the Armed Forces Organization Act (Act No. 1405) provides that the Ministry of Defence is responsible for expressly authorizing and controlling all imports of weapons, munitions and chemical, bacteriological and radiological agents; its enabling legislation is duly implemented through the War Material Department.

It should also be mentioned that the draft law on weapons, munitions, explosives and dual-use chemical agents has been approved by the Defence Committee of the Chamber of Deputies and is expected to be adopted during the current session of the legislature. The draft law is designed significantly to improve the Government's control over the full range of operations involved in the acquisition, registration, possession, use, circulation and transfer of the above-mentioned items and defines the responsibilities of each of the corresponding entities. It is also intended to make a firm and transparent contribution to the effective implementation of international agreements, in accordance with the resolution's recommendation that States should improve the fulfilment of their commitments with regard to the problem of weapons.

Paragraph 6

6. **Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.**

Bolivia takes note of the contents of this provision.

Paragraph 7

7. **Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.**

Bolivia is considering the contents of this provision.

Paragraph 8

8. **Calls upon all States:**

(a) **To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;**

(b) **To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;**

(See annex 1)

(c) **To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes.**

Bolivia signed the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction" on 14 January 1993 and ratified it through Act No. 1870 of 15 June 1998; the Convention entered into force on 13 September 1998.

In fulfilment of the requirements of the Organization for the Prohibition of Chemical Weapons (OPCW), of which Bolivia is a member, Supreme Decree No. 27520 was adopted on 25 May 2004, establishing the National Authority, whose organizational structure is as follows:

Executive Board

President:

Vice-Ministry of Foreign Affairs and Worship, division of the Ministry of Foreign Affairs and Worship

Vice-President:

Vice-Ministry of Defence, division of the Ministry of Defence

Members:

Vice-Ministry of Justice (Ministry of the Presidency)
Vice-Ministry of Social Welfare (Ministry of the Interior)
Vice-Ministry of Public Investment and External Finance (Ministry of Finance)
Vice-Ministry of Natural Resources and Environment (Ministry of Sustainable Development)
Vice-Ministry of Industry, Commerce and Exports (Ministry of Economic Development)
Vice-Ministry of Health (Ministry of Health and Sports)
Vice-Ministry of Agriculture, Livestock and Fisheries (Ministry of Rural and Agricultural Affairs)
Vice-Ministry of Hydrocarbons (Ministry of Mining and Hydrocarbons)

Technical Secretariat:

Vice-Ministry of Defence (Ministry of Defence)
Bolivian National Customs Office
Bolivian National Police
National Agricultural Health and Food Safety Service — SENASAG.

The Technical Secretariat, chaired by the Vice-Ministry of Defence, plays a vitally important role in activities aimed at controlling weapons of mass destruction. It will also be responsible for drawing up the lists of chemical substances whose production, use, transport, import and export by the companies and industries requiring them is subject to control.

The rules of procedure governing the Authority's functioning, responsibilities and short-, medium- and long-term objectives are currently being prepared.

Bolivia acceded to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction on 10 April 1972. Its instrument of ratification was deposited on 30 October 1975.

(d) **To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.**

Seminars and workshops are to be held in Bolivia during 2005 to make public opinion aware of the work carried out by the National Authority established under the OPCW.

Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Bolivia's firm and continued policy has been not to provide any kind of support to non-State bodies that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons that might be used as weapons of mass destruction.

Apéndice 1

Participacion de Bolivia en convenios multilaterales en relacion a las armas de destruccion masiva

- **"Convención sobre la Prohibición del Desarrollo, la Producción y el Almacenamiento de Armas Bacteriológicas (Biológicas) y Toxínicas y sobre su Destrucción".** Suscrita el 10 de abril de 1972. Fecha de Depósito del Instrumento: 30 de octubre de 1975.

- **"Convención sobre la Prohibición, el Desarrollo, la Producción, el Almacenamiento y el Empleo de Armas Químicas y sobre su Destrucción".** Suscrita el 14 de enero de 1993 y ratificada mediante Ley 1870 de 15 de junio de 1998. Fecha de Depósito del Instrumento: 14 de agosto de 1998.

- **"Tratado de No Proliferación de Armas Nucleares".** Firmado el 1° de julio de 1968 y ratificado el 26 de febrero de 1970, mediante Decreto Supremo N° 091120.

- **"Tratado para la Prohibición Completa de los Ensayos Nucleares".** Suscrito el 24 de septiembre de 1996 y ratificado el 29 de julio de 1999, mediante Ley N° 1988. Fecha de Depósito del Instrumento: 4 de octubre de 1999

- **"Convención sobre la protección física de los materiales nucleares"**, firmada el 3 de marzo de 1980. Promulgada como Ley No. 2288 de 5 de diciembre de 2001. Depósito del Instrumento de Adhesión: 24 de junio de 2002.

- **"Tratado para la Proscripción de las Armas Nucleares en América Latina y el Caribe (Tratado de Tlatelolco)"**, suscrito el 14 de febrero de 1967 y ratificado el 30 de diciembre de 1968.

- **Estatutos del "Organismo Internacional de Energía Atómica"**, suscritos por Bolivia ante la ONU el 26 de octubre de 1956 y ratificados el 28 de noviembre de 1962. Aprobados por Bolivia mediante Resolución Suprema N° 74889 de 13 de septiembre de 1957.

DECLARACIONES RELACIONADAS AL CONTROL DE LAS MENCIONADAS ARMAS

- **"Declaración de Mendoza"**, de 5 de septiembre de 1991, junto con las Repúblicas de Argentina, Brasil, Chile, Ecuador, Paraguay y Uruguay, donde se declara a la región "Zona Libre de Armas Químicas y Biológicas".

- **"Declaración Política del MERCOSUR"**, junto con las Repúblicas de Argentina, Chile y Bolivia, donde se consigna a los Estados Firmante apoyar en todos los Foros la Plena Vigencia y Perfeccionamiento de los instrumentos internacionales para la No Proliferación de Armas de Destrucción Masiva.

Apéndice 2

Participacion de Bolivia en convenios multilaterales en el marco de las Naciones Unidas en relacion a la lucha contra el terrorismo

1.- CONVENIOS RATIFICADOS:

- ***"Convenio sobre la Prevención y el Castigo de Delitos contra las Personas Internacionalmente Protegidas, Inclusive los Agentes Diplomáticos"***, aprobado por la Asamblea General de Naciones Unidas el 14 de diciembre de 1973. Promulgada como Ley N° 2289 de 5 de diciembre de 2001. Fecha de Depósito del Instrumento de Adhesión: 22 de enero de 2002.

- ***"Convención Internacional contra la Toma de Rehenes"***, aprobada por la Asamblea General de Naciones Unidas el 17 de diciembre de 1979. Suscrita por Bolivia el 25 de marzo de 1980. Promulgada como Ley N° 2280 de 27 de noviembre de 2001. Fecha de Depósito del Instrumento de Adhesión: 7 de enero de 2002.

- ***"Protocolo para la represión de actos ilícitos de violencia en los aeropuertos que prestan servicio a la Aviación Civil Internacional"***, (Complementario del Convenio para la represión de actos ilícitos para la seguridad de la Aviación Civil Internacional), firmado en Montreal, Canadá, el 24 de febrero de 1988. Promulgado como Ley No. 2290 de 5 de diciembre de 2001. Depósito del Instrumento de Adhesión: 24 de junio de 2002.

- ***"Convenio para la represión de actos ilícitos contra la seguridad de la navegación marítima"***, aprobado en Roma, Italia, el 10 de marzo de 1988. Promulgado como Ley No. 2286 de 5 de diciembre de 2001. Depósito del Instrumento de Adhesión: 13 de febrero de 2002.

- ***"Protocolo para la represión de actos ilícitos contra la seguridad de plataformas fijas emplazadas en la plataforma continental"***, aprobado en Roma, Italia, el 10 de marzo de 1988. Promulgado como Ley No. 2291 de 5 de diciembre de 2001. Depósito del Instrumento de Adhesión: 13 de febrero de 2002.

- ***"Convenio sobre la marcación de explosivos plásticos para los fines de detección"***, firmado en Montreal el 1° de marzo de 1991. Suscrito por Bolivia el 1° de marzo de 1991. Promulgado como Ley No. 2285 de 5 de diciembre de 2001. Depósito del Instrumento de Ratificación: 1° de febrero de 2002.

- ***"Convenio internacional para la represión de los atentados terroristas cometidos con bombas"***, aprobado por la Asamblea General de Naciones Unidas, el 15 de diciembre de 1997. Promulgado como Ley N° 2287 de 5 de diciembre de 2001. Fecha de Depósito del Instrumento de Adhesión: 22 de enero de 2002

- ***Convenio Internacional para la Represión de la Financiación del Terrorismo"***, aprobado por la Asamblea General de las Naciones Unidas el 9 de diciembre de 1999. Suscrito por Bolivia el 2 de noviembre de 2001. Promulgado como Ley N° 2279 de 27 de noviembre de 2001. Fecha de Depósito del Instrumento de Ratificación: 7 de enero de 2002.

- ***"Convenio sobre las infracciones y ciertos otros actos cometidos a bordo de las aeronaves"***, firmado en Tokio, Japón, el 14 de septiembre de 1963. Bolivia se adhirió mediante Decreto Supremo 15641 de 21 de julio de 1979.

- ***"Convenio para la represión del apoderamiento ilícito de aeronaves"***, firmado en La Haya, Holanda, el 16 de diciembre de 1970. Bolivia se adhirió mediante Decreto Supremo 15640 de 21 de julio de 1978.

- ***"Convenio para la represión de actos ilicitos contra la seguridad de la aviación civil"***, firmado en Montreal, Canadá, el 23 de septiembre de 1971. Bolivia se adhirió mediante Decreto Supremo 15642 de 21 de julio de 1978.

2.- **CONVENIOS A NIVEL REGIONAL:**

- ***"Convención de la Organización de los Estados Americanos para Prevenir y Sancionar los Actos de Terrorismo configurados en Delitos contra las Personas y la Extorsión conexa cuando estos tengan trascendencia internacional"***, adoptada en Washington D.C., Estados Unidos de América el 2 de febrero de 1971. Suscrita por Bolivia el 19 de diciembre de 2001. Promulgada como Ley N° 2284 de 5 de diciembre de 2001. Fecha de Depósito del Instrumento de Ratificación: 9 de abril de 2002.

- ***"Convención Interamericana contra el Terrorismo"***, adoptada en Bridgetown, Barbados el 3 de junio de 2002. Suscrita por Bolivia ese mismo día. En proceso de ratificación en la Comisión de Relaciones Exteriores del la Cámara de Senadores desde el 6 de junio de 2004. **(EN PROCESO DE RATIFICACION)**.